

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GUILFORD COLLEGE, *et al.*,

*Plaintiffs,*

v.

KIRSTJEN NIELSEN, *et al.*,

*Defendants.*

Civil Action No. 18-cv-891

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rule 56.1, Plaintiffs Guilford College, Guilford College International Club, The New School, Foothill De-Anza Community College District, Haverford College, The American Federation of Teachers, Jia Ye, and Sen Li respectfully move this Court for summary judgment on the first and third claims in their First Amended Complaint (Dkt. 14). As set out more fully in their memorandum in support of this motion, Plaintiffs are entitled summary judgment because the August 2018 Memorandum (1) is a legislative rule that is invalid for failure to observe the notice-and-comment procedures imposed by the Administrative Procedure Act, *see* 5 U.S.C. §§ 553, 706(2); and (2) is invalid because it conflicts substantively with the Immigration and Nationality Act, *see* 8 U.S.C § 1182(a)(9)(B); 5 U.S.C. § 706(2).

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to counsel for defendants.

Dated: May 13, 2018

/s/ Paul W. Hughes